

REMARKS

I. Summary of Office Action

Claims 1-2 were pending in the application.

Claims 1-2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Barber U.S. Patent No. 5,930,777 (hereinafter, “Barber”) in view of Siegel et al. U.S. Patent No. 6,018,723 (hereinafter, “Siegel”).

II. Summary of Applicants’ Reply

Claim 1 has been amended to more particularly define the invention.

New claims 3-12 have been added.

The Examiner’s rejection of claims 1-2 is respectfully traversed.

Reconsideration of this application is respectfully requested.

III. The Rejection of Independent Claim 1 Under 35 U.S.C. § 103(a)

The Examiner rejected independent claim 1 under 35 U.S.C. § 103(a). The Examiner’s rejection of claim 1 is respectfully traversed. Applicants respectfully submit that claim 1 is allowable over Barber and Siegel.

Applicants’ independent claim 1 relates to a method for monitoring accesses to a resource in an electronic system, wherein access to the resource is based on payments in electronic security value units. As amended, claim 1, includes:

(a) detecting patterns of payments for said resource over a plurality of users in electronic security value units; and

(b) comparing said patterns of payments to predetermined patterns of payment.

In rejecting claim 1, the Examiner acknowledged that Barber does not show these detecting or comparing elements of claim 1 (Office Action, page 2, lines 22-23). The Examiner states, however, that “Siegel discloses detecting transaction patterns (column 4, lines 3-25), and comparing said patterns of payments to predetermined patterns of payment (column 1, lines 38-52)” (Office Action, page 2, line 24 through page 3, line 2). Contrary to the Examiner’s

contention, however, the transactions disclosed in Siegel are not comparable to the transactions disclosed in the claimed invention.

As recited above, the claimed invention includes “[a] method for monitoring accesses to a resource,” by “detecting patterns of payments for said resource over a plurality of users.” Siegel, however, is monitoring the payments of “an account or account holder” (Siegel, Column 6, line 7, emphasis added). Siegel further ties its transactions to accounts in stating that “an input transaction ... is generally a scoreable transaction performed using a bankcard” and that the “customer who has possession of the bankcard, i.e., the account holder, generates input transaction 104 when he or she performs a transaction using the bankcard” (Siegel, column 4, lines 35-41, emphasis added). Siegel is using transactions of a single account holder in order to determine the credit risk of that account holder. Siegel is not, however, “detecting patterns of payments for said resource over a plurality of users,” as recited in claim 1. Thus, the claimed invention and Siegel are detecting entirely different patterns of payment.

The portions of Siegel cited by the Examiner all support the applicants’ position that the transactions being monitored in Siegel are all linked to a single account or a single account holder. For example, the Examiner cites column 4, lines 3-25 of Siegel, which states that “scoreable transactions may include any event that may impact a credit holder’s credit risk level” (emphasis added). As another example, the Examiner cites column 5, line 62 to column 6, line 23 of Siegel, which states that a model may be developed such that it “may be used to determine potential risks associated with an account or an account holder” or a “transaction.” (Siegel, column 6, lines 6-7, and 11-13, emphasis added). Finally, the Examiner cites column 1, line 52-65 of Siegel, which states that a transaction being monitored for fraudulent activity is associated with an account when it states that “the transaction data ... includes such data as an account number” (Siegel, column 1, lines 56-57, emphasis added).

For at least the foregoing reasons, applicants respectfully submit that contrary to the Examiner’s contention, Siegel, whether taken alone or in combination with other art, such as Barber, does not show or suggest the method defined by independent claim 1.

IV. The Rejection of Dependent Claim 2 Under 35 U.S.C. § 103(a)

The Examiner rejected dependent claim 2 under 35 U.S.C. §103(a) as being unpatentable over Barber in view of Siegel. Applicants respectfully traverse the Examiner's rejection.

Applicants respectfully submit that claim 2, which depends from claim 1, is allowable for at least the same reasons that independent claim 1 is patentable as set forth above. Therefore, applicants respectfully request that the Examiner withdraw the rejection of claim 2.

V. New Claims 3-12

New Claims 3-12 have been added to the application. No new matter has been added by the addition of these claims. Support for these claims can be found, for example, on pages 12-14 of the specification. Lines 6-11 of page 14, for example, support claims 3, 6, 9, and 12. Claims 4, 7, and 10 are supported, for example, by lines 14-20 of page 13. Claims 5, 8, and 11 are supported at least by the same content that supports claim 2.

Independent claims 4, 7, and 10, each of which relates to a method for monitoring access to a resource in electronic system, are allowable for at least similar reasons as claims 1 and 2. As discussed above, Siegel is concerned with monitoring payments of "an account or account holder" (Siegel, Column 6, line 7) and not with "detecting incoming patterns of payments received for [a] resource," as is recited in claim 4. Claim 7 is allowable over Siegel because, for example, it is concerned with "detecting patterns of payments, irrespective of [the] source" as opposed to determining "potential risks associated with an account or an account holder" (Siegel, column 6, lines 6-7, and 11-13). Again, instead of "detecting patterns of payments for [a] resource over all users," as recited in claim 10, Siegel is concerned only with "an account or account holder." Claims 3, 5, 6, 8, 9, 11, and 12 each depend from one of claims 1, 4, 7, and 10 and are therefore allowable for at least the same reasons. Accordingly, applicants respectfully submit that claims 3-12 are in condition for allowance.

VI. Conclusion

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the

cited prior art shows any of the elements recited in the claims. However, applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

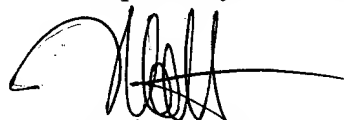
Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

Further, applicants hereby retract any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintain the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, applicants specifically retract statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

For at least the reasons set forth above, applicants respectfully submit that this application is in condition for allowance. Reconsideration and prompt allowance of the application are respectfully requested.

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